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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 DONALD R. CAMERON, *et al.*,

16 Plaintiffs,

17 v.

18 APPLE INC.,

19 Defendant.

20 No. 4:19-cv-03074-YGR (TSH)

21 **DECLARATION OF RICHARD
22 CZESLAWSKI IN SUPPORT OF
23 DEVELOPER PLAINTIFFS' MOTION
24 FOR ATTORNEYS' FEES, EXPENSES
25 AND SERVICE AWARDS**

26 I, RICHARD CZESLASWKI, declare as follows:

27 1. I am an individual over the age of 18 and I make this declaration based on personal,
28 firsthand knowledge, and if called and sworn as a witness, I could and would testify competently
thereto.

29 2. I am the Chief Operating Officer and President of Pure Sweat Basketball, Inc., a class
30 representative in the above-entitled action. I submit this affidavit on behalf of Pure Sweat
31 Basketball, Inc. and the settlement class, in support of Developer Plaintiff's motion for attorneys'
32 fees, expenses, and service awards and in support of final approval of the settlement with Apple,
33 Inc.

34 DECLARATION OF RICHARD CZESLAWSKI IN SUPPORT OF DEVELOPER PLAINTIFFS'
35 MOTION FOR ATTORNEYS' FEES, EXPENSES AND SERVICE AWARDS

36 No. 4:19-cv-03074-YGR (TSH)

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2 3. As a class representative, I understand that it is my responsibility to be informed of
3 the work done by my attorneys on the case and make my own judgment about the fairness of any
4 settlements, I am required to consider the interests of all members of the Class, as well as my own.
5 I am free to disagree with my attorneys about the merits of a settlement and make my views known
6 to the court.

7 4. Over the past 2.5 years, I have diligently performed my duty to assist counsel in
8 prosecuting this case, investing significant time and effort to fulfill my role as a class
9 representative. Throughout this litigation, I have remained informed regarding the status of the
10 litigation by communicating with my attorneys, including reviewing periodic updated
11 correspondence from my counsel and key case documents. Since the outset of the litigation, I have
12 also diligently retained app papers or electronic information that could be relevant to the litigation
13 and provided these to my attorneys.

14 5. Throughout the case I have also assisted in responding to discovery. This included
15 reviewing discovery requests from defendant, discussing them with my counsel, reviewing
16 proposed responses, making any corrections, and signing off on the responses. In total, I assisted
17 counsel in responding to a total of 3 interrogatories and 165 requests for production of documents.

18 6. I have also contributed to the discovery process by sitting for a deposition. In total,
19 my deposition lasted 5 hours and 8 minutes of record time, where I was questioned by counsel in
20 this case. To ensure the accuracy of my transcript, I spent about 3 hours reviewing it for errors.

21 7. In total, I estimate that I have spent about 40-45 hours performing all of the above-
22 described duties on behalf of the class over the past 2.5 years. My attorneys have not made any
23 promises regarding compensation for my service, and I willingly agreed to participate in this case
24 with no guarantee of personal benefit or benefit to Pure Sweat Basketball, Inc. I believe that the
25 time, effort, and information I provided on behalf of Pure Sweat Basketball, Inc. helped to make the
26 settlement possible. I ask that the Court approve Pure Sweat Basketball, Inc.'s service award in the
27 amount of \$5,000.

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2 8. I have reviewed the terms of the settlement with defendant Apple, Inc., discussed
3 those terms with my attorneys, and I am aware of and approve all terms of the proposed
4 settlements, as it affects Pure Sweat Basketball, Inc. and the members of the Class. Based upon this
5 reading and my discussions with Class Counsel, I understand that Apple agrees to provide \$100
6 million in monetary relief and certain structural relief. I further understand that the monetary relief
7 will be paid into a Small Developer Assistance Fund to be distributed to the Settlement Class in
8 payment tiers depending on the amount of proceeds class members earned from the distribution of
9 their apps on the Apple App Store, with the minimum payment being \$250.00. I understand in
10 general terms that there will be no reversion of unclaimed funds to Apple, Inc. To the extent that
11 money is not able to be reasonably distributed to class members, the settlement proposes a *cypres*
12 distribution to the nonprofit organization Girls Who Code.

13 9. I believe that the proposed settlement achieves significant monetary and structural
14 relief for the Class and that this is an excellent result in light of the risks associated with a complex
15 and costly trial. I recognize the uncertainty of success on any or all of the claims presented in this
16 litigation if this case were to go to trial. The proposed settlement also permits an immediate
17 recovery to class members without the risk, delay, and expense of trial.

18 10. I believe the settlement agreement between Apple and Class Counsel was reached at
19 arms' length, and that the terms of the settlement reflect the independent evaluation of Apple and
20 Class counsel of their respective best interests. Based upon my understanding of the class claims
21 asserted in this litigation, and my understanding of the terms of the settlement agreement, I believe
22 the proposed settlement is fair, adequate and reasonable, and in the best interests of class members,
23 and should therefore be granted final approval.

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2 I declare under penalty of perjury under the laws of the United States that the foregoing is
3 true and correct to the best of my knowledge.

4 Executed this 11th day of February 2022 at Crystal Lake, Illinois.

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7 Richard Czeslawski

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